

U.S. Department of Justice
Immigration and Naturalization Service

Application to Preserve Residence for Naturalization

(Under Section 316(b) or 317, Immigration and Nationality Act)

Fee Stamp

(Please read instructions)

Take or mail to:

Immigration and Naturalization Service

Alien Registration

Date of Birth

Place of Birth

1. My full true name is _____

2. My home address in the United States is _____
(Number and Street)

(City or Town)

(State)

(Zip code)

My foreign address (☐ is ☐ will be) _____
(Number and Street)

(City or Town)

(State)

3. I am an alien. I was lawfully admitted to the United States for permanent residence at _____

_____ under the name of _____
(Port of entry)

on _____ on the vessel _____
(Month) (Day) (Year) (if otherwise than vessel show manner of arrival)

I have resided in and have been physically present in the United States for an uninterrupted period of at least _____ year(s) since such lawful entry. Since the date of my lawful entry, I have been absent from the United States as follows (include date of last departure if now abroad, and if necessary attach an additional sheet to show all absences):

Date of departure	Date and port of return	Name of vessel	Purpose of trip

4. Since becoming a permanent resident, have you ever filed an income tax return as a nonresident alien or otherwise claimed or received benefits as nonresident alien under the income tax laws? ☐ Yes ☐ No

5. I (☐ am, ☐ will be, ☐ was) employed as, or under contract as, _____

by _____
(Name of employer)

address _____
(Number and street) (City or town) (State) (Zip code)

Such employment of contract $\left\{ \begin{array}{l} \text{necessitates} \\ \text{will necessitate} \\ \text{necessitated} \end{array} \right\}$ my presence in _____
(Country or Countries)

from _____ to _____
(Month) (Day) (Year) (Month) (Day) (Year)

6. My absence from the United States for such periods ☐ is, ☐ will be, ☐ was):

☐ on behalf of the United States

☐ for the purpose of carrying on scientific research on behalf of an American institution of research.

☐ for the purpose of engaging in the development of foreign trade and commerce of the United States on behalf of an American firm or corporation or a subsidiary thereof engaged in the development of such trade and commerce.

☐ necessary to the protection of the property rights abroad of an American firm or corporation engaged in the development of foreign trade and commerce of the United States.

☐ on behalf of a public international organization of which the United States is a member, by which I was first employed on

☐ solely in my capacity ☐ clergyman, ☐ missionary, ☐ brother, ☐ nun, or ☐ sister.

7. In support of the foregoing statement of facts I submit the following documents: _____

(See Instructions)

8. I respectfully request that you find my absence under the above-stated conditions to be in compliance with the provisions of Sec. 316(b) or 317 of the Immigration and Nationality Act.

9. The following lawful permanent resident members of my immediate family [spouse and/or child(ren) only] will be residing abroad as dependent members of my household whom I also desire to receive the benefits hereunder:

Name	"A" Number	Relationship	Marital Status

Signature of Person Preparing Form, If Other Than Applicant	Signature of Applicant
I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.	I certify that the above statement are true and correct to the best of my knowledge and belief.
SIGNATURE	COMPLETE SIGNATURE OF APPLICANT
ADDRESS DATE	MAILING ADDRESS Number, Street, City, State and Zip Code DATE

EXAMINER'S REPORT

I have investigated this application for benefits under Section [(316(b)) (317)] of the Immigration and Nationality Act and find that:

1. The applicant (was) (was not) lawfully admitted for permanent residence, his status (having) (not having) changed.
2. ☐ Applicant for benefits of Section 316(b):
 - (a) (Has) (Has not) resided in and been physically present in the United States for an uninterrupted period of at least one year after lawful admission for permanent residence.
 - (b) (Has) (Has not) filed the application before being absent from the United States for a continuous period of one year.
 - (c) [(Is) (Is not) (Will be) (Will not be)] employed or under contract as alleged in this application; and the employer or contractor named in this application (is) (is not) engaged in the type of business described in Section 316(b).
3. ☐ Applicant for the benefits of Section 317:
 - (a) (Has) (Has not) been physically present and residing in the United States for an uninterrupted period of at least one year after lawful admission for permanent residence.
 - (b) [(Is) (Is not) (Will be) (Will not be)] absent solely for the purpose alleged in this application; and the denomination or organization named in this application (is) (is not) of the class described in Section 317.
4. Supplemental report or order (is) (is not) attached.
5. I recommend that the application be (granted) (denied).

(Signature of Examiner)

(Title)

(Date)

ORDER

It is Ordered that the within-named applicant be _____ granted the benefits applied for in this application to cover absence from the United States from the date stated therein to an indefinite date thereafter so long as (s)he remains in the employment and is absent for the purposes alleged therein.

(District Director)

(Date)

INSTRUCTIONS

(Tear off this page and keep for your information before submitting this application.)

The evidence submitted in support of this application should be in the form of an official communication from the appropriate officer of the department or agency of the United States Government, or the public international organization, or affidavit or affidavits executed by the appropriate administrative official of the American institution or religious denomination or interdenominational mission by whom the applicant is, was, or will be employed or with whom he entered into the contract; or by the appropriate administrative official of the American firm or corporation, or subsidiary thereof, by whom the applicant is, or will be employed. Where affidavit with respect to employment by such firm or corporation or subsidiary is made it should state:

- (a) *the title of the official making the affidavit, the name of the firm or corporation in which he holds office and whether he has access to the records of the same.*
- (b) *whether the employing organization is an American firm or corporation engaged in the development of foreign trade and commerce of the United States, or subsidiary thereof.*
- (c) *the nature of the business which is conducted by the employing organization, church, religious denomination, or interdenominational mission.*
- (d) *if it is a corporation, the name of the State under laws of which it was organized, the date of incorporation, and that is existent.*
- (e) *if it is a subsidiary (whether American or foreign) of an American firm or corporation, engaged in the development of foreign trade and commerce of the United States, the affidavit should be executed by an appropriate administrative official of the parent organization and should state the facts of ownership and or control of the subsidiary and the exact percentage of stock owned by the parent organization.*
- (f) *the facts of the applicant's employment, including the nature of the service to be performed by him, during the period or periods of absence to be considered.*
- (g) *whether the applicant will be engaged in the development of foreign trade and commerce of the United States, or the applicant's absence from the United States was or will be necessary to the protection of the property rights abroad of the employing firm or corporation or subsidiary during the period or periods of absence to be considered, or solely in his or her capacity as a regularly ordained clergyman, missionary, brother, nun, or sister; and in case of one employed by a public international organization the date when and place where applicant was first employed.*

FEE- A fee of ninety five dollars (\$95.00) must be paid for filing this application. It cannot be refunded, regardless of the action taken on the application. DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If the applicant resides in Guam, and is filing the application in Guam, the check or money order must be payable to the "Treasurer, Guam." If applicant resides in the U.S. Virgin Islands, and is filing the application in the U.S. Virgin Islands, the check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When the check is drawn on an account of a person other than the applicant, the name of the applicant must be entered on the face of the check. If the application is submitted from outside the United States, remittance may be made by a bank international money order or foreign draft drawn on a financial institution in the United States and payable to the "Immigration and Naturalization Service" in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant thereto invalid. A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which is drawn.

An alien admitted for permanent residence, who claimed or claims nonresident alien status under the income tax laws, may be regarded as having abandoned his/her residence in the United States and as having lost his/her immigrant status under the immigration and naturalization laws.

IMPORTANT INFORMATION

As a consequence, he or she may be or become ineligible for naturalization or for preservation of residence. If you have claimed nonresident alien status, submit a full explanation on a separate sheet.

An applicant is not eligible unless (1) he or she has been physically present and residing in the United States for an uninterrupted period (that is, without any absence whatever) of at least 1 year after lawful admission for permanent residence, and (2) the application is submitted to the Immigration and Naturalization Service before the applicant had been absent from the United States for a continuous period of 1 year. When furnishing information regarding absences in item 3, the applicant **MUST SHOW EACH DEPARTURE AND RETURN** to the United States, including absences to foreign contiguous countries no matter how short. However, an applicant who has been absent or will be absent from the United States solely in his or her capacity of clergyman, missionary, brother, nun, or sister, may complete the one year of uninterrupted physical presence after the period of absences and may submit the application even after an absence of more than one year.

The Immigration and Nationality Act also requires an applicant for naturalization to have been physically present within the United States for at least one-half of the period of 5 years (or 3 years, if the applicant qualifies under the citizen-spouse section) immediately preceding the date of filing a petition for naturalization. The granting of this application does not relieve the applicant for naturalization from this physical presence requirement during the five or three-year periods. However, persons who are employed by, or under contract with, the Government of the United States, and persons absent in their capacities as clergymen, missionaries, brothers, nuns, or sisters, are considered as physically present in the United States during the period of approved absence for the purpose of the 50% requirement (but not for the 1 year of physical presence referred to in the paragraph immediately above). The granting of this application also does not relieve the applicant from the necessity of proving to the satisfaction of the court in which he/she files his/her petition for naturalization that his/her absence from the United States has been for the purpose stated in the application.

Approval of this application will be only for the employment and conditions stated. Any changes of employment must be approved by a new application.

Approval of this application will not relieve you of the requirement to present a valid document for reentry into the United States.

Authority for collection of the information requested on this form is contained in Sections 316, 317 and 332 of the Immigration and Nationality Act (8 U.S.C. 1427, 1428 and 1443). Submission of the information is voluntary. The principal purpose for requesting the information is to determine whether an alien, who intends to be absent from the United States for a continuous period of a year or more, is eligible to preserve for naturalization purposes. The information requested may, as a matter of routine use, be disclosed to naturalization courts and to other federal, state, local or foreign law enforcement and regulatory agencies, the Department of Defense including any component thereof, the Selective Service System, the Department of Transportation, Central Intelligence Agency, Interpol and individuals and organizations in the processing of any application or petition for naturalization, or during the course of investigation to elicit further information required by the Immigration and Naturalization Service to carry out its functions. Information solicited which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, may be referred, as routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations. Failure to provide all or any of the requested information may result in denial of the application to preserve residence for naturalization purposes.

Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Immigration and Naturalization Service, HQPDI, 425 I Street N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0014. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**